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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

AGDEPPA, HECTOR A

ART UNIT

PAPER NUMBER

2642

DATE MAILED: 06/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/806,406	Applicant(s) ZYGAN-MAUS ET AL.	
	Examiner Hector A. Agdeppa	Art Unit 2642	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to applicant's amendment filed on 6/10/04. Claims 10 - 17 are now pending in the present application. **This action is made final.**

Claim Objections

2. Claims 15 or 17 are objected to because of the following informalities:

For clarification purposes, whenever an acronym such as IN or NP is first used in the claim language, it is defined, i.e., "Intelligent Network (IN)" or Number Portability (NP). Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 10, 11, and 14 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 10 and 11 recite "a network operator" whereas claim 17 from which claims 10 and 11 depend, already mentions "network operator." It is unclear whether applicant in claims 10 and 11 is referring to the same network operator recited in claim

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17, one of the network operators recited in claim 17, or a completely unrelated network operator.

Claim 14 recites the limitation "the basic network." There is insufficient antecedent basis for this limitation in the claim. The term "basic network" is only used in claims 15 and 16, neither of which are claims that claim 14 depends from.

Claim 14 also recites the limitation "the received call." There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

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consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 10 – 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 5,867,570 (Bargout et al.) in view of US 5,517,563 (Norell).

As to claims 15 and 17, Bargout et al. teaches that service switching point (SSP) 12, read as the claimed first switching center, provides an intelligent network (IN) query, pursuant to a Public Office Dialing Plan (PODP) trigger, to a service control point (SCP) 10, which has a local number portability (LNP) database. (Col. 5, lines 49 – 60 of Bargout et al.) Note that SCPs can generally be thought of as “servers” because SCPs contain not only a database(s), but other intelligence which can access its database(s) and return instructions to an SSP, as per the standard operating procedure in any IN. Therefore SCP 10, which contains an LNP database reads on the claimed NP server.

Bargout et al. further teaches that SCP 10 determines if the dialed digits received from SSP 12 are in its Location Routing Number (LRN) database table, and if so, returns the LRN number to SSP 12. The LRN number is used to indicate that another network operator, i.e., switch belonging to another network, now handles or controls a terminating SSP to which the dialed number is now connected. Therefore, the IN query determines which network operator is now supporting the call. (Col. 5, line 61 – Col. 6, line 5 of Bargout et al.) Note that in any IN, processing is only sent to the SCP when a trigger is triggered. If not, the call will get processed and routed without getting suspended while waiting for instructions from an SCP.

Finally, Bargout et al. teaches passing the IN query, i.e., call request, to the proper SSP 18, which may query its own SCP for completing the call request. (Col. 6, lines 6 – 18 of Bargout et al.)

What Bargout et al. does not teach is making the query seem to come from the first switch or SSP 12.

However, making such messaging or routing transparent in redirection operations is notoriously old and well known in the art. For example, Norell teaches signaling in, for example, an IN, wherein there are subscribers connected to switches and in addition, centralized control elements such as an SCP. Norell further teaches that the signaling method involves redirection for a signal path from an originating terminating node to a new terminating node wherein the redirection being initiated by the originally terminating node is transparent to the originating end node. (Fig. 3, Col. 4, line 23 – Col. 5, line 35, Col. 22, lines 4 – 10 of Norell)

It would have been obvious for one of ordinary skill in the art at the time the invention was made to have allowed for transparent signaling in Bargout et al. inasmuch as there are a plurality of motivations for doing so. One such motivation is that it simplifies billing. Because signaling gets redirected or gets re-initiated at a new SSP for example, billing the correct network or party can become problematic because the new SSP is not where the call truly originated from.

As to claims 10 and 11, Bargout et al. teaches using TCAP messaging. (Col. 4, lines 51 – 67 of Bargout et al.) However, both Intelligent Network Application (INAP) and Signaling Connection Control Part (SCCP) are also types of messaging that are

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consistently used in INs. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have used either TCAP, INAP, or SCCP inasmuch as all are old and well known signaling alternatives used in INs. In fact, many times, INAP protocols merely "sit on top" of the TCAP protocol.

As to claim 12, see Col. 1, lines 13 – 20 of Bargout et al.

As to claims 14 and 16, see Fig. 2, element 88 and the above-discussed rejections. Such a limitation is contemplated if simply, any of the network operators requires a gateway to access the network. Note that basic networks do not generally employ gateways, as gateways are normally associated with data networks or more capability-advanced networks. See the rejection of claim 13 wherein the use of IP is known and note that a network using IP could conceivably use a gateway for routing purposes.

5. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over US 5,867,570 (Bargout et al.) in view of US 5,517,563 (Norell), and further in view of applicant's admitted prior art.

As to claim 13, Bargout et al. and Norell have been discussed above. What they do not teach is using Internet Protocol for transmitting messages in the IN.

However, applicant's specification on P. 6, lines 11 – 13 admit that using IP for transmitting application data such as the IN query is well known in telecommunications networks such as the public switched telephone network (PSTN). Of course, much of the PSTN now utilizes a IN architecture. Therefore it would have been obvious for one

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of ordinary skill in the art at the time the invention was made to have utilized IP messaging inasmuch as it is a known alternative in INs.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US 5,764,745 (Chan et al.) and US 5,946,383 (Havens et al.) both teach the known alternatives in IN protocols, i.e., TCAP, INAP, and SCCP.

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hector A. Agdeppa whose telephone number is 571-272-7480. The examiner can normally be reached on Mon thru Fri 9:30am - 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad F. Matar can be reached on 571-272-7488. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hector A. Agdeppa
Examiner
Art Unit 2642

H.A.A.
June 24, 2005



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